Professor Dorothy Salmon
University of Ky. College of Law
Lexington, Kentucky

# The Kentucky Commentator

University of Kentucky College of Law

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## Distinguished Professor Mueller:

# A Sense Of Injustice ... A Seed Was Sown

GERHARD MUELLER

By HENRY ROSENTHAL

G.O.W. Mueller leaned back in a cushioned desk chair in his office in the University Law Building and spoke dreamily of his latest sailing days in Europe and America. (Earlier in the summer he had brought his own 14-foot sailboat to this unlikely section of the country).

Only moments before, this same G.O.W., as he prefers to be referred to, had explained why his grandmother's brother, his great uncle, had been called the worst German who ever lived by, of all people, none other than Der Fuhrer himself—Adolph Hitler.

From this sketchy background it is hard to determine how this man—Gerhard Mueller—achieved his vast and many accomplishments. Presently, he is the University's Distinguished Visiting Law Professor and is occupant of the Roy Moreland chair. He is the first occupant of this honorary position named after UK's longtime law instructor.

Needless to say, the road here has not been an easy one. This is especially true when you realize that the great uncle referred to above was Phillip Scheidemann, a minister in the cabinet of Wilhelm II, who proclaimed the German Republic on November 8, 1918, Armistice Day. This precluded a Communist coup and laid the foundation for the Weimar Republic and Scheidemann became its first chancellor.

Scheidemann renounced power in fury over the injustices of the Treaty of Versailles, but lived in exile, a thorn in the side of the Nazis until his death in 1939.

### A Sense Of Injustice

"Some adult members of my family died in concentration camps," he said flatly. "From this a sense of injustice arose and the seed was sown." Born in 1926 it is easy to see that Mueller saw many unjust happenings in the Germany of his youth.

It is only natural that Mueller's interest lay in the field of law. As he says, the seed was sown when he learned of the sufferings of his family and the Scheidemann involvement with the Germany of roughly 40 years ago.

### Hours In Courtrooms

During the difficult war years of '42, and '43, the young and impressionable Mueller spent many hours in the courtrooms watching and listening to trials—and thinking about them. Most involved chicken and rabbit theft, ("Times were hard, People were hungry") but others were much more ominous.

"We used to go to the courtrooms where the typical cases were these rabbit and chicken thefts, and we bet on the outcome," he said. According to Mueller law worked perfectly under the Third Reich in matters of rabbit theft. The chicken and rabbit thieves usually got three months suspended sentence. But not everyone was so fortunate.

"One day we got into the political part of the court and heard a very terrible, but revealing case. The man was on trial for listening to a broadcast from London—a capital offense. That poor guy in the dock knew what he had coming. To my eyes he was a hero. He had the guts to rebel in his own little way. He turned the knob to London. He had become a man who wanted to form his own opinions of things. But his lousy lawyer demeaned him by whining for mercy—pleading that it was accidental, etc. I think the guy got four years concertration camp. He probably died there," Mueller said.

The days of watching court proceedings were not to last forever. "We ultimately quit going to court because one fine day a party boss came and said, 'Don't you know there is a war going on?' and so he gave us a snow shovel and we had to shovel the sidewalk," Mueller stated.

### In German Navy

Temporarily Mueller's connection with the legal workings were ended. During World War II he was in the German Navy until he surrendered to British officers in Denmark. After that he worked digging graves, filling bomb holes, canning peas, making jam and as a policeman in Kiel, among other things. Back to the sea, he became a sergeant in the British Military Government waterways police.

Despite difficulties G.O.W. studied four semesters in the University at Kiel. Then, things began to happen to Mueller. He studied in London and Cardiff and then went to Zurich where a really big "happening" occurred. He met Ruth working in a German-American work project in 1948. G.O.W. married her and of her he said she was "the gal who gave direction to the life of a bum."

In 1950 he entered the law school at the University of Chicago and earned his J.D. degree. He received his LL.M. from Columbia University School of Law in 1955.

Now one of the top criminalists in the world, Mueller devotes much of his time to writing and teaching.

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# UK Law School And Harvard — A Comparison

**Editor's Note: The following article was written by Robert Rich who was a law student at the University of Kentucky during the 1965-66 academic year. Rich, who was a member of the Kentucky Law Journal staff while he was here, received a grant to study at the Harvard Law school. This article was written at the request of the Kentucky Commentator and embodies many of Mr. Rich's impressions of the University and of Harvard and the role which the law student should fill. On going to Harvard, Mr. Rich was required to retake many of his first year courses and can therefore offer a valid comparison of the two systems.**

By ROBERT RICH

It doesn't take long to become imbued with the tradition and spirit of the Harvard Law School. So while I still retain some objectivity about the place I will make a few general observations. Harvard is important as a pace-setter and ideal for other institutions of legal education. On the outside it seems like a house of giants where students must cower mutely before god-like teachers and strive to understand the pearls of wisdom that are dropped from Olympiad heights of learning and scholarship. But from the inside, as much "inside" as a lowly law student can become, "The Law School" doesn't seem quite so portentious. Some misconceptions about the school become readily apparent.

### Harvard's Greatest Assets

Harvard's greatest assets are its tradition and its students. Students come here awed by its mighty reputation, they come prepared to work and work hard. They come knowing that competition will be stiff and their schedule rigorous. Harvard lL's are "psyched up" before they get here and after they arrive they respond like Pavlov's dog: they snatch up casually dropped citations and read them carefully, they read cases over and over to make certain they won't be embarrassed in class before the professor and their classmates. Above all Harvard students take law school seriously. In his traditional welcoming speech Dean Griswold warns that one movie a month is allowable as recreation. This statement always receives a newvous laugh, but by October it is clear that even one night a month away from the books may be one too many.

### Inside Jokes

Harvard isn't any different from U. K. as far as material covered is concerned. It is a little different, though, to study Keeton's torts casebook with Keeton himself demanding that you recite the facts properly. It is also a revelation to hear the inside jokes which professors Casner and Leach have written into their property casebook. Since many of the cases are in the book for the single objective of getting a laugh it is a wonder that any other professor dares use the highly personal text.

The professors' attitudes toward the students are a little bit different here than at Kentucky. At Harvard the professors are trying to learn from the students in addition to getting their own point across. We were early admonished to take notes on what our classmates said and often they come up with analyses which even the professors exclaim make the cases clearer for them. The professors here are not trying to make a name for themselves or get somewhere. They feel like they are already here—and they got here not by being knowledgeable about everything, but by knowing their particular field well. They are all learned in the law.

Most of them have compiled a casebook of text on some area of the law, and they did so without taking a long leave of absence from active teaching. Every writer here is a teacher first. The same old lecture notes aren't used from year to year, new effort is put forth for each class session.

To generalize even more, I would say that Harvard Law School is still a citadel of the Puritan work ethic. A position on the faculty makes you somewhat of an aristocrat. A professor settles down to that position to devote his life to studying, teaching, and writing. Harvard law professors work, they demand that their students work, they have the impression that lawyers

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# FROM THE DEAN

I appreciate the opportunity to greet readers of this first issue of the Commentator for 1967-68—both students and alumni. I read this newspaper while on leave last year as Visiting Professor at New York University, and I know it can be a good source of news about the College of Law. As I said to Henry Rosenthal, the Editor, recently, and to John McCann, President of the Student Bar Association, earlier, "Despite the somewhat different news orientation of the present student and the former student, I believe there is a common interest to them in knowing what is happening at the Law School at a given time." A really good law student newspaper can meet this need and perform a service for a large group of readers.

I consider it entirely appropriate that the responsibility for publication of the Commentator lies with the Student Bar Association. Finding the news and printing any newspaper is a considerable task, particularly for law students, who carry demanding academic obligations. This project and other service functions of the S.B.A. in the Speaker Forum, in Placement, and in the Annual Law Day activities are good examples of the capacity and willingness of the Law School student body to manage its own affairs and to seek constructive means for discharging its professional responsibilities—in short, to contribute to the common good as good lawyers have done always.

Since returning to the campus at the end of August for the opening of the fall term, I have enjoyed reorienting quickly to the diverse activities and problems which have for some years characterized the development and growth of this Law School. I would hope to comment on many of these matters in the Commentator from time to time, but as this is written I am pleased most of all with the apparent attitude of the 451 students now enrolled and the 23 members of the resident faculty.

Unless my observations during these first week of the new school year are completely deceiving, the College of Law remains a place where the study of law and the teaching of law are considered to be exciting, demanding, frustrating, rewarding, and wide-ranging. It is a place also where diversity overshadows conformity, but where a great majority understand that the responsiveness fo legal knowledge to social change depends greatly on the lawyer's ability to construct reasoned and rational solutions—solutions which do not rest entirely on fear, superstition, and ignorance.

For these and other reasons, I expect this academic year of the College of Law to be a successful one on all counts.

W. L. Matthews, Jr., Dean

# The PRESIDENT'S Corner

A new year has begun, and we of the Student Bar Association enter it with great anticipation. The Placement Committee, chaired by Chuck Bedell and Winn Turney, has initiated a program of mutual benefit to Lexington Lawyers and our law students. The program is designed to provide law clerks for local attorneys for special or temporary assignments as well as on a permanent basis. This program will give more law students an opportunity to gain the practical experience of working for a firm.

We hope that Lexington attorneys will avail themselves of the program, because it was designed to fill a need that those of us who have worked for firms had observed: that the work load of many attorneys is somewhat sporadic and during a heavy period, a temporary assistant. either as a clerk or for investigation, would relieve the pressure on the attorney. The program took effect on Sept. 25 and Lexington attorneys should have been informed of the program through the Fayette County Bar Association. We appreciate the advice and council of Mr. Sam Milner, President of the local bar, and of Mr. Alvin Trigg, committee chairman of the local bar. Any questions or suggestions pertaining to this program may be addressed to the Placement Committee or to myself.

### Speakers' Forum Underway

The Speakers' Forum under the direction of Ron Wheat, got under way with an enjoyable talk by Fayette County Judge Joe Johnson on the controversial purchase of Maine Chance Farm by the University. A $30 million suit (treble damages) has been filed against the University and the Keeneland Association, and we hope a spokesman from these organizations will present the other side of this issue to our Forum.

Joe Bill Campbell and his Freshman Orientation Committee are to be commended for their fine job of introducing the first year students to the study of law, the student organizations, and the College of Law generally.

The Student Bar Association Board of Governors is proud to welcome the new professors to the College of Law and to introduce them to the alumni through the article in this issue of the Commentator.

A very special welcome is extended to Professor Gerhard Mueller, who will hold the Roy Moreland Chair this year. We are also delighted that Dean W. L. Matthews has returned after a year's leave of absence. Dean Matthews has long been a friend of the Student Bar Association and his advice and encouragement is always appreciated.

John D. McCann,
Student Bar Association

The Board of Governors of the Student Bar Association is composed of the following: Front Row, left to right: Vic Fox, treasurer; Kathy Friend, secretary; Alan Peck, third year representative; Back Row; Clyde Richardson, vice-president; John McCann, president and Larry Roberts, second year representative. Andrew Winkler, recently elected first year student, is not shown.

## SBA Law Forum:

# Leading German Professor Discusses Criminality

"Ineffective Punishment—Ineffective measures" was the topic of an address given by Professor Hermann Blei, a law professor at the University of Berlin and former dean of that school's law college, to the Student Bar Association Speaker's Forum recently.

As a general statement, Professor Blei emphasized that the poor success in fighting criminality is a world-wide problem as distinguished from a problem that exists in specific sections of the world.

"The subject of criminal law is not an academic question. It is a matter of policy," Professor Blei stated. "You just have to read some newspaper here or abroad, of the free press. It will not take more than two readings to find some article on the rising rate of criminality. In communist countries you can read between the lines, where there is no free press, that there is a problem of criminality."

The visiting speaker, now a visiting professor at American University, pointed out that the penal codes have too many punishments for too many things which are not regarded as crimes by the majority of the people. He

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# Four Added To Faculty

By TIM CONE

There are four additions to the College of Law faculty for the academic year, 1967-68. They are: Visiting Professor Gerhard Mueller, Assistant Professors Kenneth Guido, Ronald Styn, and H. W. Seney. Their backgrounds reflect wide diversification in education and experience. (An article about Professor Mueller appears elsewhere.)

Professor Guido received his LL.B. from the University of Southern California, where he was a member of the Editorial Board of the Law Review. He attended Yale University, obtaining a Master of Laws degree in June of 1967. He assisted Professor George Lefcoe in preparation of a casebook on Land Development Law, which represents Mr. Guido's principal interest. He hopes to further development of urban government law, particularly concerning the interrelationship of the structural and financial aspects. He is presently teaching Constitutional Law and has developed a seminar in Land Finance.

A classmate of Mr. Guido's in the graduate program at Yale and now a colleague on the faculty is Professor Seney. Prior to receipt of his LL. M., he was graduated from The University of Toledo Law School. He also attended Phillips Exeter and Yale undergraduate school. Before going to law school, Mr. Seney was in private business for several years. His areas of concentration are Labor Law, Constitutional Law, and Comparative Law.

Prior to acceptance of his faculty position, Professor Styn was a trial attorney with the Pure Food and Drug Administration, Department of Health, Education & welfare, in Washington, D.C. He received his A.B. from the University of Redlands and his LL.B. from Stanford University, where he was on the Board of Editors of the Law Review. Mr. Styn clerked for a year for a federal district court judge in Southern California. In addition to his classes in Practice and Procedure and Government Regulation of Business, he has assumed the duties of faculty adviser for the Kentucky Law Journal.

Three members of the faculty are on leave for the year. Professor Garrett Flickinger is pursuing graduate study at Columbia University. Mr. John Kennedy is a visiting professor at the University of Illinois. Professor Alvin Goldman is with the National Labor Relations Board.


## The Kentucky Commentator

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## An Aid To The Needy:

# The Legal Aid Program — A Study

**Editors Note: The following comprehensive information was supplied by Jim Pate, student director of the Legal Aid program at the University.**

The Student Bar Association of the College of Law in the Fall of 1963 conceived and began operating a legal aid service under the supervision of Roger Schnitzler, the Student Bar Association director, and staffed with volunteer third-year student interviewers. Approximately twenty Senior Law Students participated in the legal aid program during the Fall and Spring semesters of 1964, manning interview stations in the County Law Library and several local courts on a voluntary basis.

The program was deemed sufficiently valuable that it was maintained by the Student Bar Association through the Summer of 1964, while the Fayette County Bar Association and Faculty of the College of Law were approached by the Student Bar Association Legal Aid directors, Graddy Johnson and Sidney Kinkead, with the suggestion that a more effective and comprehensive program be instituted by means of a joint venture involving the College of Law, the Fayette County Bar Association and the Student Bar Association.

Concretely, it was proposed that the Fayette County Bar Association provide a parttime Legal Aid Secretary and working space in the County Law Library and that the College ef Law formally introduce a Legal Aid course for credit into its curriculum. This arrangement was embodied in a nonprofit corporation, the Fayette County Legal Aid Society, Inc., which was duly incorporated in Fayette County in July, 1964.

### Added To Curriculum

The incorporators were Shelby Hurst, then President of the Fayette County Bar Association; Thomas Bell, Chairman of the Legal Aid Committee of the Fayette County Junior Bar Association; and Eugene F. Mooney, Associate Professor of Law. In the Fall of 1964 an elective one-credit-hour course in Legal Aid was added to the Third-Year Curriculum of the College of Law offered in both the Fall and Spring semesters.

Thirty-two Senior Law Students signed up for the Fall 1964 Legal Aid course which was supervised by a faculty member and operated substantially along the lines established by the Student Bar Association the previous year, with the added feature of the Fayette County Legal Aid Secretary who greatly facilitated rotational assignment of indigent cases among members of the Fayette County Junior Bar Association on a volunteer basis.

This program was continued throughout the Spring Semester 1965 with thirty-four student Legal Aid members and the Legal Aid Secretary gradually began extending her assignments to members of the (senior) Fayette County Bar Association. The course in Legal Aid was not offered for credit during the 1965 Summer Session of the College ef Law. During that Summer Session of 1965 the program was operated on a restricted basis by means of the employment of a single Senior Law Student interviewer by the College ef Law.

Forty-two Senior Law Students signed up for Legal Aid in the Fall Semester of 1965. The method of operation was substantially revised at the beginning of the Fall Semester 1965 in light of the experience from the preceeding year of operation and the current operating arrangement was put into effect for the last four months of the reporting period.

### Restructured In '65

Beginning in September 1965 the Legal Aid program was restructured around two primary interview stations: 1) The County Law Library, and 2) The Fayette County Jail. In addition, Legal Aid assistance in the form of research or investigation work is made available to local courts and attorneys on a specific request basis.

Five afternoons weekly between the hours of one and four Student Interviewers are present in the County Law Library and at the Fayette County Jail to interview possible indigent clients. These Interviewers are also available to conduct jailhouse interviews in the Lexington City Jail on request by Police Court officials.

The indigent defendant interview service is centered on the Fayette County Jail because virtually all felony and high misdemeanor defendants, adult or juvenile, are either taken directly to the Fayette County Jail by the arresting officers or are held in the City Jail only a short time before a preliminary hearing at which they are released or waived to the Grand Jury and transferred to the County Jail. Consequently, practically every indigent criminal defendant in Fayette County can be promptly contacted and interviewed within a short time after arrest simply by providing daily interview service at the County Jail. The Fayette County Jailer provides the Legal Aid Secretary with a daily list of possible indigent defendants thereby facilitating the County Jailhouse interview.

The Lexington Police Court Clerk has cooperated in serious cases coming before the court by calling the Legal Aid Secretary when felony or high misdemeanor defendants are charged in the municipal court and held in the City Jail, whereupon an Interviewer is sent to interview the indigent defendant prior to his preliminary hearing before that court. The County Law Library interview station is provided for walk-in interviews, civil matters, and general inquiries. The following procedures are the normal routine:

### The Normal Procedure

1. Persons requesting Legal Aid service are interviewed at the County Jail or County Law Library to determine that the interviewer has a civil or criminal legal problem and cannot reasonably afford to employ counsel to represent them in that case.

2. The Legal Aid Secretary by telephone contacts Fayette County Bar attorneys in rotation when the Interviewer recommends such action. Each attorney contacted is free to decline any case without stating any reason. When an attorney volunteers

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# Alumni News

**Compiled By Jim Coblin**

**John M. Kinnaird,** L.L.B. '47, has recently resigned from the firm of Rea, Cross, and Knebel, Washington, D.C., to take a position as special counsel for the American Trucking Associations, Inc.

**Stanley Hogg,** L.L.B. '54, having served as law clerk with the Court of Appeals in 1954, trial attorney Lieutenant in the Judge Advocate General's Office, and as county attorney of Letcher County, has now become associated with Clarence Creech, Ashland, in the general practice of law.

**Robert C. Manchester,** L.L.B. '60, has opened a law office at 814 Citizens Bank Building, Paducah. Mr. Manchester also has been appointed special corporation counsel to the City of Paducah.

**Durward W. Caudill,** L.L.B. '62, is now counsel to the firm Factor, Chernick, and Hillman, Dolphin House, 403 South Main, Providence, Rhode Island.

**Henry E. Hughes,** J.D. '66, formerly of Prestonsburg, has become a partner in the law firm of Keller, Shuffett, Kenton and Anderson with offices at 141 N. Upper Street, Lexington.

**Thomas J. Roberts,** J.D. '66, has announced the opening of a law office at 2121½ Cumberland Avenue, Middleeboro.

**Robert F. Barrett,** J.D. 1967, is now associated with the firm of Hughes, Clark, and Burke with offices at 400 Covington Trust Building in Covington.

# News From Around The Law School

**By Nick Johnson**

**PHI ALPHA DELTA**

Phi Alpha Delta has scheduled a free coffee hour to be held this month in the Student Lounge to provide an opportunity for the first year law students to become better acquainted with members of the faculty.

Justice Whayne Hougland announced that Professor Charles Williamson will be the new faculty advisor.

The September dinner meeting was held at Adams' with new programs planned and new committees organized for the fall semester.

Initiation for the fall semester will

Initiation for the fall semester will be held in the Courtroom in October for all ree aining pledges.

**PHI DELTA PHI**

Breckinridge Inn of Phi Delta Phi planned their fall program at their first dinner meeting held at the Brass Rail on Sept. 19.

Frank Reaves '67 of Lexington has recently been chosen as Graduate of the Year of Province 14 of Phi Delta Phi. With the award goes a check for $100. to be used by the fraternity for the benefit of the entire law school. Last year a portrait of Prof. Gilliam was made which will hang in the law school. Reaves is presently with the firm of Brown, Sledd, and McCann in Lexington.

**DELTA THETA PHI**

Bob Vance, Dean, Fred Cohen, Tribune and Jack Seelie attended the 35th Biennial National Convention at Anaheim, California on August 13th to the 16th, 1967.

With over one-hundred members Delta Theta Phi plans to initiate many programs for the coming year. Guests at the September dinner meeting included the Regional Co-ordinator, James B. Lenihan; the District Chancellor, Ernest J. Eubanks; the Louisville Alumni Senate Dean, Ed O' Conner; and former U of L Tribune, Gary Gardner.

The Senate is pleased that Professor Robert Lawson will be the Faculty Advisor replacing Brother Garrett Flickenger.

**INTRAMURAL FLAG FOOTBALL**

Co-chairman Dennis Bradley of the Athletic Committee announced that there will be run off tournament games between the Independent team champions and the Fraternity team champions. Last year there was a winner in each of the two groups with the Law School's "Judges" winning the Independent Team Championship.

In regular season play the Lawmen and the Chicago Cans remained undefeated to capture first place in their division, while the Barristers had one loss but retained first place in their division. The only loss by the Judges was enough to put them in a three way lead for first place in their division.

**MOOT COURT**

The first rounds of the Second year Moot Court competition was held from October 9 through October 12. The Third year members of the Moot Court Board acted as judges.

Moot Court President John Elias stated that Kathleen M. Fitzgerald, Stephen L. Beshear and Maynard W. Schryver of the National Competition Moot Court Team will compete against other Moot Court teams at Kansas City, Kansas in November.

**KAPPA BETA PI**

Officers elected for this school year are: Kathy Fitzgerald, Dean; Mary Goodfriend, Associate Dean; Natalie Wilson, Marshall; Jesse Horn, Chancellor; Kay Alley, Registrar; Kathy Friend, Quarterly Correspondent; and Becky Childers, Historian.

There are eight active members and three prospective members from the Freshman class. Kappa Beta Pi plans to have local women lawyers speak for them this year.

# Harvard—Citadel Of Puritan Work Ethic

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work not just an eight hour day, but long hours and every day.

Another general point: unlike the prevailing opinion, Harvard trains practitioners in the law, not just researchers or teachers or federal judges. Aside from the Law Review the most prestigious extracurricular activities are the moot court program and the voluntary defenders-legal aid type groups. These activities draw student leaders with grade averages nearly equal to Law Review editors.

### Taught To Practice

At Harvard you are taught to practice law and not just to be theoreticians in the law. Harvard is a national law achool; few communities are without their Harvard Law graduate. He has been trained to do a lot of leg work in addition to some brain work. The trademark of a Harvard lawyer must be that he is well prepared. The Puritan ethic says that hard work will be rewarded. Harvard law students are taught the same thing. They learn to be well prepared. Few forget that lesson.

In comparison, my greatest criticism of the Kentucky College of Law is its method of chopping up courses so as to give students a taste of everything in the first year and a systematic overview of no particular area.

The year courses should be taught in the same year. At U. K. civil procedure is divided between the first and second years as is the property course. From the student's point of view it makes much more sense to devote the first year to basic full year courses: civil procedure, contracts, torts, property, and criminal law and procedure.

### Civil Procedure Mentioned

Civil procedure especially should be taught during the entire first year. Most cases simply can't be understood properly if the procedural basis isn't clear. Many valuable points are missed and distinctions not seen unless the fundamental principles and history of procedural methods are known. You can't separate the law and its procedure and come up with anything that makes sense, as any practicing lawyer will be quick to tell you. Why shelter first year students from the facts of life? Civil procedure is not nearly so confusing as reading endless cases which refer to the procedural setting and procedural issues without properly appreciating the problems.

Another aspect of the Kentucky curriculum which doesn't compare favorably is the required first year economic legislation course. There is a similar course at Harvard, but it is a second year elective. The course at Kentucky is too nebulous and the materials and purposes too unwieldly and disjointed to have much meaning to the first year student. It is a mistake to try to make politicians out of law students before they have a firm grasp of the law. Some law students are too politically minded in the first place. Many approach the law as nothing more than a step to elective office. I see no benefit in requiring a course which involves inadequately explained economic, political, and sociological niceties in the middle of the first year curriculum.

### Why?

The idea certainly doesn't seem very liberal from the student's point of view. Why replace the old rigid traditional curriculum with a "modern" course with equal rigidity and with less benefits to the student's legal education? Most of us spent enough time in undergraduate school studying economics and politics. We are in law school to learn the law, this should be our first concern.

In the first year property course the historical law of estates in land should be deemphasized as much as possible. [Some attention is necessary and important, but this subject, like the typical early cases on the law of possession, is only academic and takes up valuable time that should be spent on modern property problems. It loses almost all its meaning when the property course is broken up as it is at Kentucky.] The freshman section becomes just a historical and seemingly irrelevant prelude to modern problems of urban landlord-tenant, recording acts, mortages, etc. Property should be a full first year course with some continuity.

### UK—A Good School

The Kentucky College of Law is a good school from the point of view of the student. The faculty is young, enthusiastic, stimulating, and, on the most part, experienced. The facilities are superb. The first year curriculum seems to have been strained to enable it to be called "new" or "progressive." The first year need not be traditional or stuffy; but it should be fundamental. With some imaginative materials and instruction the core courses can become the most exciting in the law school. Ideally, the second and third years should be completely elective with the courses now offered at Kentucky an example of a sound, varied and modern curriculum. As far as courses offered and seminars given Kentucky's curriculum compares with the modern trend. Professor Paul Freund of Harvard says that the purpose of the Harvard Law School is to train architects in the law, and not just carpenters. This is the task of all law schools. The legal profession is a learned profession because it retains a respect for and interest in its history. It must also be continually aware of the other social forces and systems that are its comtemporaries. The law schools must lead the profession into these new areas of awareness. At one Law Day weekend at Kentucky Melvin Belli spoke of law as the cohesive force holding a variegated society together. The law schools of this country can best serve our society by training true professionals in the law. If this opportunity is provided by the school, the law student must do the rest. How well each student prepares himself professionally is ultimately an individual matter. It doesn't depend on the school you attend or the professors you have. We law students are grown up now—our education is in our own hands, as it should be.

# G.O.W. Enters Law School

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His volume of writing is almost unbelievable.

His experience in the teaching field is vast. He has taught in Europe and in many areas in the U.S. Perhaps symbolic of this man on the move are the various diplomas and certificates left on the wall of his office by Garrett Flickenger, a UK law professor on leave for a year.

What does he think of UK students? Although speaking hesitantly because of the short amount of time he has been here, Mueller said, "The students here are basically too kind. They are too much gentlemen. I am used to irreverent students who have fighting spirit; they take nothing for an answer."

Half seriously he offers this answer, "Maybe the students have too much respect for my advanced age. They just do not fight enough. It is getting better though, they are waking up and are believing less and are objecting more."

Perhaps he remembers how hard it was in war-time Germany to obtain knowledge outside of that permitted by the Nazis. "Books were neither allowed or disallowed. One day I discovered my father's library. On the first row were the allowed books, on the second the prohibited books."

He had this to say about law schools in Europe. "In European law schools the professor lectures and the students are not expected to say anything. But there are seminars with considerable discourse and debate. A change is developing in Europe, as Fullbright scholars and others used to the American system become teachers.

This semester Mueller is teaching a first year criminal law course. In the second semester he will teach the continuation of the criminal laws course in the other section, plus a comparative criminal law seminar. Besides his class lectures, he will deliver special lectures at the law building and on the general campus.

# Legal Aid

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to handle the case it is assigned to him by the Legal Aid Secretary.

3. The facts recited by the interviewee are promptly written up in a one or two page statement. One copy is filed in the College of Law Legal Aid office, one copy with the Fayette County Legal Aid Secretary, and the original is either hand-carried or forwarded to Assigned Counsel who has agreed to handle the matter.

4. The Interviewer remains available to be utilized by the Assigned Counsel for legal research, investigation work or assistance in preparing and presenting the case in the trial court or on appeal.

In addition to the above routine, Legal Aid men are made available to formally Court-appointed Attorneys in Quarterly Court, Circuit Court and Federal District Court criminal cases at their request.

Excluded from the Legal Ais program regardless of indegency for obvious reasons are public drunkenness cases, non-serious traffic offences contingent or statutory fee cases and cases in which the interviewee would be the plaintiff in a civil action. Where any question of indigency exists the interviewee is advised to approach any three local attorneys to take their case and reform to Legal Aid if unsuccessful. Under the current direction of Prof. Robert Lawson the program is beginning to attempt to move one step further. It is hoped that soon the student who participates in the program will be able to actually represent the indigent person in court when the acts involved are of the small misdemeanor category. This practice has already taken place in several other states and it is hoped that Kentucky will soon follow and allow the load on the local attorneys to be eased somewhat.

# Criminality Discussed

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also said that many codes have dozens and dozens of crimes with not background in society today.

"If you know that there are so many criminal laws which no real purpose you will find that they will spoil the population," Professor Blei said. He infers that this is one of the reasons that there has been a rise in Criminality.

He suggested that the criminal laws be revised "once and again" to find out what is really necessary. Professor Blei also said that the punishment should follow the crime within a short time.

Too effect the changes he suggests, Professor Blei stated that many old ideas and cherished traditions would have to be abolished.

One thing that he believes could bring improvement quickly is increased public awareness. He pointed out that the electorate would better understand the problems of criminality if they had an opportunity to visit prisons.

Professor Blei also stated, in response to a question from the audience, that capital punishment does not deter crimes. This he backed up with statistics.

**DEAN W. L. MATTHEWS**

Dean Matthews returned to the College of Law this year after taking a year leave of absence to teach at the New York College of Law as a visiting professor. In his absence, Professor Paul Oberst was the acting dean.